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NGUYEN BA, HOANG VU A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary

Application No.

10/010,270

Applicant(s)

PLOURDE ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the request for reconsideration filed November 19, 2008.
2. Claims 1-3 and 5-47 are pending. Claims 1, 23, 24 and 46 are independent claims.

Response to Amendments

3. Per Applicants' request, Claims 23, 41-42 and 46 have been amended.

Response to Arguments

4. Applicants' arguments have been fully considered but they are not persuasive. The following is an examiner's response to Applicants' arguments.

Independent Claim 1

a. Applicants' essential arguments

Pierre does not disclose or suggest "track[ing] the size of permanent media content instance files and the buffered media content instance files". Rather, Pierre teaches that "processor 30 first determines if there is sufficient contiguous space on the storage device 18 for the entire program, including the part currently stored in the buffer (step 106)" (col. 8, lines 7-10). Applicants submit that determining is not tracking. Nor is "determine[ing] if there is sufficient contiguous space on the storage device" the same as "track[ing] the size of permanent media content instance files and the buffered media content instance files".

Examiner's response

In order to determine that whether there is sufficient contiguous space on the storage device for an entire program including the part currently stored in the buffer, the logic taught in Pierre has to track and determine how much memory has been used to store the recorded television programs so that, when the viewer selects the record option as in step 104, the logic of Pierre could successfully answer the above question posed in step 106 and proceed to step 108 or 120. Without the step of tracking the size of all the recorded programs and currently buffered programs, the logic of Pierre cannot determine whether to proceed to step 108 et seq. or 120 et seq. Therefore, the tracking step is

deemed necessary and thus inherent to the logic of Pierre. Without this inherent tracking step, the logic of Pierre is inoperative.

b. Applicants' essential argument

Applicants submit that Pierre does not disclose or suggest "indication of an amount of available free space" and assert that indicating that there is insufficient space as disclosed in Pierre is not the same as "provid[ing an] indication of an amount of available free space".

Applicants further submit that Ellis does not overcome the above deficiencies notwithstanding Ellis' teachings of indicating "Recording Space Available: 14 hrs". Applicants moreover assert that Ellis' teaching of indicating the "Recording Space Available: 14 hrs" is "independent of the buffer space".

Examiner's response

Because Pierre does not specifically disclose "provid[ing an] indication of an amount of available free space" the office action has supplemented Ellis' teachings of indicating "Recording Space Available: 14 hrs" to Pierre to arrive at the claim requirement. It should be noted that the claim specifically requires "a visual indication of an amount of available free space." An amount of available free space can be, for example, 5 Mbytes or 14 hours (as shown in Ellis). Since the claim does not specifically define the unit of the available free space, the "14 hrs" as taught by Ellis is considered to meet the claim requirement. It is further noted that specifying the amount of available free space in hours is more meaningful to a user than 5 Mbytes.

In response to Applicants' argument that Ellis' teachings of indicating the amount of free space: 14 hrs is independent of the buffer space is dependent of the buffer space, it is noted from the following in paragraph [0032] of Ellis:

[0032] Storage space in a storage device may be assigned automatically or manually to buffer programming. An interactive television application may automatically assign all or a portion of the storage space in a storage device to buffer programming. If desired, a user may be provided with an opportunity to set the total size to be used for buffering, set the total number of buffers that can be active at one time, set the size of each buffer, and set how often buffers should be deleted.

that all or a portion of the storage space in the storage device can be assigned to buffering. Therefore, the storage space that is not assigned to buffering is clearly independent of the buffer space. Accordingly, the limitation “independent of the buffer space” is necessarily present in the description of the storage space that is not assigned to buffering.

Claim 1 is therefore not allowable over Pierre in view of Ellis as alleged by Applicants.

Dependent Claim 18

Applicants' essential argument

Applicants submit that determining sufficient contiguous space does not require “subtracting buffer space capacity from total disk space” and that the subtracting step is not inherent to the combined teaching.

Examiner's response

The examiner disagrees with Applicants' assertion because as discussed above in the examiner's response with respect to Claim 1, Ellis clearly teaches in paragraph [0032] that a user can assign portion of the storage space to buffering. After the user has allocated the amount of the storage space for buffering, that amount of storage space would then be necessarily subtracted from the total amount of storage space in order for Ellis to determine the remaining space is available for storage. Therefore, the alleged missing descriptive matter is necessarily present in Ellis.

Dependent Claim 19

Applicants' essential argument

Applicants submit that Pierre in view of Ellis fails to disclose or suggest “the processor is configured with the logic to reduce the available free space by the amount of

the space used for the permanent media content instance files.” Applicants further submit that reducing the available free space is not a direct result of the step of saving a permanent media content instance file as alleged.

Examiner’s response

Examiner respectfully disagrees with Applicants’ assertion that reducing the available free space is not a direct result of the step of saving a permanent media content instance file. The examiner respectfully noted that the claim language requires explicitly “the logic to reduce the available free space by the amount of the space used for the permanent media content instance files.” Therefore in the context of Claim 19, the reduction of the available free space is indeed the direct result of the logic of using an amount of available free space (i.e., storing) for the permanent media content instance files. It is unclear as to the novelty or the utility of reducing the available free space by using that amount of available free space to store permanent media content instance files. The feature claimed in this claim can be analogized to filling an empty space in a bookshelf with a book and once the book has been put into that empty space the amount of available free space on the shelf is reduced. Putting a book or a plurality of books into the available free space on the bookshelf will logically and necessarily reduce the amount of available free space on that bookshelf and does not require a novel logic to accomplish this act or process. Therefore, the feature claimed in Claim 19 is deemed not patentable.

Dependent Claim 22

Applicants’ essential argument

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest “wherein the free space indication is unaffected by writes to and deletions from the buffer space” because Pierre fails to teach “free space indication” much less that “the free space indication is unaffected by writes to and deletions from the buffer space” as recited in Claim 22.

Applicants further submit that the addition of "Recording Space Available: 14 hrs" as taught by Ellis does cure the deficiency of Pierre not teaching "free space indication" and "free space indication [that] is unaffected by writes to and deletions from the buffer space."

Examiner's response

It is noted that in 6:4-7:39 Pierre discloses two partitions in the storage device that can be set by a viewer: a circular buffer and a semi-permanent storage area. Therefore, once the storage device is thus partitioned the writes to and deletion from the circular buffer do not affect the semi-permanent storage area.

As for the lack of teaching in Pierre of a "free space indication" see discussion in Claim 1.

Independent Claim 23

Applicants' essential arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest:

- a. "a processor configured with the logic to track the size of permanent media content instance files and the buffered media content instance files;"
- b. "the processor is further configured with the logic to determine the available free space after subtracting buffer space capacity from total disk space,"
- c. "the processor is further configured with the logic to reduce the available free space by the amount of the space used for the permanent media content instance files,"
- d. wherein the processor is further configured with the logic to provide the user interface that provides a numerical indication of an amount of available free space, such that the indication is unaffected by writes to and deletions from the buffer space,

- e. a buffer space in the hard disk for continuously buffering media content instances as buffered media content instance files,”
- f. “the user input is implemented with a remote control device.”

Examiner's response

- a. see discussion in Examiner's response with respect to Claim 1;
- b. see discussion in Examiner's response with respect to Claim 18;
- c. see discussion in Examiner's response with respect to Claim 19;
- d. with respect to the limitation “to provide the user interface that provides a numerical indication of an amount of available free space,” the office action has discussed the teachings of Ellis of the user interface that shows the “Recording Space Available: 14 hrs” in FIGs. 19 and 20 of the provisional application 60/290,709 of the Ellis' U.S. Patent Application Publication)

with respect to the limitation “such that the indication is unaffected by writes to and deletions from the buffer space,” see discussion in Examiner's response with respect to Claim 22;

- e. this limitation is in Claim 1 (2nd limitation in the body of Claim 1) and is addressed in the office action citing Pierre's FIGs. 4-6, item 90;
- f. this limitation “the user input is implemented with a remote control device” is deemed inherent to the claimed “wherein the processor is further configured with the logic to provide a user interface, responsive to a user input, wherein the user interface ...” recited in Claim 2 which is addressed in the rejection of Claim 2 as being anticipated by Pierre's 4:44-50 (e.g., “... and menu selections that the viewer may access through a viewer interface. The viewer may control the set top box 16 through an infrared remote control unit, ...”

Independent Claim 24

Applicants' essential arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest:

- a. "tracking the size of permanent media content instance files and buffered media content instance files;

"providing [an] indication of an amount of available free space, such that the indication is independent of the buffer space;" for essentially the same reasons as discussed in Claim 1; and
- b. "a visual indication."

Examiner's response

- a. see discussion in the examiner's response with respect to Claim 1;
- b. it is noted that Ellis's "Recording Space Available: 14 hrs" is considered to be a visual indication because the information is displayed on the user interface as opposed to for instance an aural indication such as a beep sound.

Dependent Claim 27

Applicants' arguments

Applicants essentially submit that the rejection of Claim 27 is legally insufficient because the rejection thereof refers to that of Claim 4 that has been canceled.

Examiner's response

Claim 27 recites "wherein the user input is implemented with a remote control device." Since Claim 27 depends from Claim 25 which recites the same features of Claim 2, the same rejection is thus applied. In Claim 2, the limitation "user input is implemented with a remote control device" has been shown to read on Pierre's discussion of the viewer interface and user input at 4:44-50.

Dependent Claim 41

Applicants' arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest “determining the available free space after subtracting buffer space capacity from total disk space” for the same reasons as discussed in the arguments with respect to the rejection of Claim 18.

Examiner's response

See discussion in the examiner's response with respect to Claim 18.

Dependent Claim 42

Applicants' arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest “reducing the available free space by the amount of the space used for the permanent media content instance files” for the same reasons as discussed in the arguments with respect to the rejection of Claim 19..

Examiner's response

See discussion in the examiner's response with respect to Claim 19.

Dependent Claim 45

Applicants' arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest “wherein the indication of the free space available is unaffected by writes to and deletions from the buffer space” for the same reasons as discussed in the arguments with respect to the rejection of Claim 22.

Examiner's response

See discussion in the examiner's response with respect to Claim 22.

Independent Claim 46

Applicants' arguments

Applicants essentially submit that Pierre in view of Ellis fails to teach or suggest the following:

- a. "tracking the size of permanent media content instance files and the buffered media content instance files;"
- b. "the user interface provides a numerical indication of an amount of available free space for permanently recording media content instances;"
- c. "wherein the indication is unaffected by writes to and deletions from the buffer space;"
- d. "determining the available free space after subtracting buffer space capacity from total disk space;"
- e. "reducing the available free space by the amount of the space used for the permanent media content instance files."

for the same reasons as discussed in the arguments with respect to Claims 1, 23, 22, 18 and 19, respectively.

- f. "continuously buffering media content instances as buffered media content instance files;"
- g. "the user interface provides a numerical indication of an amount of available free space for permanently recording media content instances."

Examiner's response

For a, b, c, d, e, see discussion in the examiner's response with respect to Claims 1, 23, 22, 18 and 19, respectively.

For f, see the examiner's response c with respect to Claim 23.

For g, see the examiner's response d with respect to Claim 23.

According to the foregoing discussion, the rejection of Claims 1-3 and 5-47 under 35 U.S.C. § 103(a) as being unpatentable over Pierre in view of Ellis is maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-3 and 5-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,678,463 to Pierre et al. ("Pierre") in view of U.S. Patent Application Publication No. 2002/0174430 by Ellis et al. ("Ellis'4430").

It is noted that while Ellis '4430 postdates the instant application, Ellis '4430 incorporates in its entirety the disclosure of U.S. Provisional Application No. 60/290,709, which, filed on May 14, 2001, pre-dates the instant application.

It is further noted that hereinafter the use of the clause "see at least" should be interpreted that the cited portions/figures that follow the clause are not the only portions/figures that are considered to be relevant. Should Applicant find that the cited portions/figures are not relevant, other portions of the disclosure/figures of the prior art reference will be provided as additional evidence of and/or context to the relevancy of the previously cited portions/figures as may be necessary. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant's arguments should not therefore be construed as that of new grounds of rejection.

Claim 1

Pierre discloses *a system (see at least FIG. 2) for managing the allocation and storage of media content instance files in a hard disk of a storage device coupled to a media client device in a subscriber television system, comprising:*

a memory for storing logic (see at least FIG. 2, item 16);

a buffer space in the hard disk for buffering media content instances as buffered media

content instance files (see at least FIGs. 4-6, item 90); and

a processor (see at least FIGs. 2-3, item 30) *configured with the logic to track the size of permanent media content instance files and the buffered media content instance files to provide indication of available free space* (see at least FIG. 7, steps 106, 120, 140; 6:7-7:64).

Pierre does not specifically disclose that the indication of available space is *a visual indication of an amount of available free space, such that the indication is independent of the buffer space*.

However, in an analogous art, Ellis'4430 incorporates the disclosure of a visual indication of an amount of available free space (see FIGs. 19-20 in the provisional application no. 60/290,709 filed May 14, 2001, from which Ellis'4430 claims priority). It is noted that the "Recording Space Available: 14 hrs" in FIGs. 19 and 20 does not appear to be dependent upon buffer space.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Pierre with Ellis'4430's feature because the use of Ellis'4430 feature would help a user of Pierre determine whether the PVR has enough memory to store the desired program.

Claim 2

The rejection of base claim 1 is incorporated. Pierre further discloses *wherein the processor is further configured with the logic to provide a user interface, responsive to a user input, wherein the user interface provides the indication of available free space for permanently recording media content instances, wherein the permanently recorded media content instances are configured as the permanently recorded media content instance files* (see at least 4:44-50; FIG. 7, step 144).

Claim 3

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the permanently recorded media content instance files can be deleted from the storage device* (Pierre; see at least FIG. 7, step 150).

Claim 4 (previously canceled)

Claim 5

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the permanently recorded media content is from the buffer space* (Pierre; see at least 6:37-7:39).

Claim 6

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the permanently recorded media content is a scheduled recording initially written to non-buffer space* (Pierre; see at least 6:37-7:39).

Claim 7

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the buffer space, the available free space, and permanently recorded space are located on the hard disk* (Pierre; see at least 6:37-43).

Claim 8

The combination Pierre-Ellis'4430 further discloses *wherein the buffer space and permanently recorded space are allocated from the free space on the hard disk* (Pierre; see at least 6:37-9:32).

Claim 9

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the buffer space and permanently recorded space have physical locations on the hard disk* (Pierre; see at least 6:37-8:38).

Claim 10

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the buffer space and the available free space is measured in units of time* (Pierre; see at least 6:9-22).

Claim 11

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the buffer space and the available free space is measured in units of hard disk space* (Pierre; see at least FIGs. 4-6).

Claim 12

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to convert analog broadcast media content instances, received at a communications interface, into digitally compressed media content instances stored in a buffer* (Pierre; see at least 5:27-30).

Claim 13

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance* (Pierre; see at least 3:61-4:8).

Claim 14

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances* (Pierre; see at least 3:61-4:8).

Claim 15

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances* (Pierre; see at least 3:61-4:8; 4:20-29).

Claim 16

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances* (Pierre; see at least 3:61-4:14).

Claim 17

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances* (Pierre; see at least 3:61-4:14).

Claim 18

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 does not specifically disclose *wherein the processor is further configured with the logic to determine the available free space after subtracting buffer space capacity from total disk space*. However, this logic is deemed inherent to Pierre because Pierre does disclose the step of determining whether there is sufficient contiguous space in storage device for the entire program (FIG. 7, step 106) and for remainder of the program (FIG. 7, step 120). Without subtracting buffer space capacity from total disk space, the above determining step would not be possible.

Claim 19

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 does not specifically disclose *wherein the processor is configured with the logic to reduce the*

available free space by the amount of the space used for the permanent media content instance files. However, the reducing the available free space is deemed not only inherent but an unpatentable feature since this step is a direct result of the step of saving a permanent media content instance file. If the size of the new permanent media content instance file is larger than the existing one, then the result will be the reduction of the available free space.

Claim 20

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is configured with the logic to increase the available free space by the amount of the space recovered from a deleted permanent media content instance files* (Pierre; see at least FIG. 7, step 116, 118, 128, 150, 148).

Claim 21

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the indication of the free space available is configured in time of space available for the permanent media content instance files* (Pierre; see at least 6:9-22).

Claim 22

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the free space indication is unaffected by writes to and deletions from the buffer space* (Pierre; see at least 6:4-7:39).

Claim 23

Since Claim 23 is an independent claim that is a combination of Claims 1-22, the respective rejections are thus applied.

Claim 24

Pierre discloses:

buffering media content instances into buffer space as buffered media content instance files (see at least FIGs. 4-6, items 90);

tracking the size of permanent media content instance files and buffered media content instance files (see at least FIG. 7, steps 106, 120, 140; 6:7-7:64); and
providing an indication of available free space (see at least FIG. 7, steps 106, 120, 140; 6:7-7:64).

Pierre does not specifically disclose that the indication of available space is a visual indication of an amount of available free space, such that the indication is independent of the buffer space.

However, in an analogous art, Ellis'4430 incorporates the disclosure of a visual indication of an amount of available free space (see FIGs. 19-20 in the provisional application no. 60/290,709 filed May 14, 2001, from which Ellis'4430 claims priority). It is noted that the "Recording Space Available: 14 hrs" in FIGs. 19 and 20 does not appear to be dependent upon buffer space.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Pierre with Ellis'4430's feature because the use of Ellis'4430 feature would help a user of Pierre determine whether the PVR has enough memory to store the desired program.

Claim 25

The rejection of base claim 24 is incorporated. Since Claim 25 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 26

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim 26 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 27

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim 27 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 28

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim 28 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 29

The rejections of base claim 24 and intervening claim 25 are incorporated. Since Claim 29 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 30

The rejection of base claim 24 is incorporated. Since Claim 30 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 31

The rejection of base claim 24 is incorporated. Since Claim 31 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 32

The rejection of base claim 24 is incorporated. Since Claim 32 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 33

The rejection of base claim 24 is incorporated. Since Claim 33 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 34

The rejection of base claim 24 is incorporated. Since Claim 34 recites the same feature of Claim 11, the same rejection is thus applied.

Claim 35

The rejection of base claim 24 is incorporated. Since Claim 35 recites the same feature of Claim 12, the same rejection is thus applied.

Claim 36

The rejection of base claim 24 is incorporated. Since Claim 36 recites the same feature of Claim 13, the same rejection is thus applied.

Claim 37

The rejection of base claim 24 is incorporated. Since Claim 37 recites the same feature of Claim 14, the same rejection is thus applied.

Claim 38

The rejection of base claim 24 is incorporated. The combination Pierre-Ellis'4430 further discloses *buffering digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances* (Pierre; see at least 4:4-8).

Claim 39

The rejection of base claim 24 is incorporated. The combination Pierre-Ellis'4430 further discloses *buffering digital media content instances, received at a digital communications port from a local server, as digitally compressed media content instances* (Pierre; see at least 4:4-8).

Claim 40

The rejection of base claim 24 is incorporated. The combination Pierre-Ellis'4430 further discloses *buffering digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances* (Pierre; see at least 4:4-8).

Claim 41

The rejection of base claim 24 is incorporated. Since Claim 41 recites the same feature of Claim 18, the same rejection is thus applied.

Claim 42

The rejection of base claim 24 is incorporated. Since Claim 42 recites the same feature of Claim 19, the same rejection is thus applied.

Claim 43

The rejection of base claim 24 is incorporated. Since Claim 43 recites the same feature of Claim 20, the same rejection is thus applied.

Claim 44

The rejection of base claim 24 is incorporated. Since Claim 44 recites the same feature of Claim 21, the same rejection is thus applied.

Claim 45

The rejection of base claim 24 is incorporated. Since Claim 45 recites the same feature of Claim 24, the same rejection is thus applied.

Claim 46

Since Claim 46 is an independent claim that is a combination of Claims 24-45, the rejections of these claims are thus applied.

Claim 47

The rejection of base claim 1 is incorporated. The combination Pierre-Ellis'4430 further discloses *wherein the processor is further configured with the logic to provide an indication that insufficient free space is available for a requested recording* (Pierre; see at least FIG. 7, step 140).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2421

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

February 14, 2009